IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO.729 OF 1989

Smt.Savita Wd/o Govind Kokane]
Age 35 years, residing at]
Meghdoot Tilak Nagar,]
Dombivali, Taluka Kalyan,]. Appellant
District Thane](Org.Accd.No.3)

versus

State of Maharashtra] .. Respondent

Mr.Shekhar Ingawale with Mr.R.R.Bhosale for the appellant.
Mr.P.A.Pol, APP, for the State.

WITH

CRIMINAL APPEAL NO.148 OF 1990

The State of Maharashtra] .. Appellant

versus

1. Bhagwan Waman Gaikwad]
Adult, Hindu, Age about]
25 years, Residing at]
Mothagaon, Thakurli,]

Tal.Kalyan.]

2. Smt.Savita W/o Govind Kokane]
Adult, Hindu, Age 35 years,]
Residing at Meghdoot Tilak] .. Respondents
Nagar, Dombivali,] (Org.Accused
Tal-Kalyan, District Thane] Nos.2 and 3)

Mr.P.A.Pol, APP, for the State.
Mr.Shekhar Ingawale with Mr.R.R.Bhosale for Respondent No.2.

CORAM : D.G.DESHPANDE
S.R.SATHE, JJ.
DATED : 20th April 2007.

OPERATIVE ORDER

. For the reasons separately recorded, the following order is passed :-

:ORDER:

Appeal filed by accused No.3 Savita Govind Kokane vide Criminal Appeal No.729 of 1989 is dismissed.

Appeal against acquittal filed by the State vide Criminal Appeal No.148 0f 1990 is partly allowed.

Accused No.3 Savita Govind Kokane is also convicted for the offence punishable under Section 201 of the Indian Penal Code and is sentenced to suffer R.I. for three years and to pay fine of Rs.1000/- in default to suffer R.I. for six months.

All the substantive sentence to run concurrently.

Accused No.3 Savita Govind Kokane is on bail. Her bail bond stands cancelled.

Accused No.3 Savita Govind Kokane to surrender before the trial Court within two weeks from today for undergoing sentence. If she does not surrender, the trial Court to take action to arrest her and send her to jail for undergoing

sentence.

Acquittal of Accused Bhagwan Waman Gaikwad on all counts is upheld. He is on bail. His bail bond stands cancelled.

Both the appeals disposed of accordingly.

[S.R.SATHE,J] **[D.G.DESHPANDE,J]**

. After this order was pronounced, learned advocate Mr.Ingawale appearing for Accused No.3 Smt.Savita Govind Kokane, prayed that the time to surrender granted by this order today by two weeks be extended by eight weeks.

. We are totally in disagreement with this prayer. Firstly because the accused was on bail throughout the trial. The charge was framed on 22.11.1985 and the recording of evidence started on 17.11.1989. The appeal was filed in this Court in the year 1989. Therefore for last more than 21 years, accused No.3 Savita Kokane is on

bail and enjoying the liberty. This is a concurrent finding of the fact. We have confirmed her conviction and sentence. She is more than 55 years of age. Now granting any further liberty would frustrate the purpose of imposing sentence. Hence prayer for extension of time is rejected.

[S.R.SATHE,J] **[D.G.DESHPANDE,J]**